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Report of the Special Rapporteur on minority issues

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on minority issues, prepared pursuant to Council resolution 25/5. In her report, the Special Rapporteur describes the activities carried out since her previous report to the Council and reflects on her six-year tenure as Special Rapporteur, providing an overview of the main issues relating to the mandate.

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Contents

		Page
I.	Introduction	3
II.	Activities of the Special Rapporteur in 2016	3
	A. Country visits	3
	B. Communications	4
	C. Update on the Forum on Minority Issues	4
	D. Events and conferences	4
	E. Statements	6
	F. Detailed analysis of communications sent by the mandate	6
	G. Follow-up on country visit recommendations	6
	H. Research on minority issues during the second cycle of universal periodic review process	6
III.	Reflections on the six-year tenure of the Special Rapporteur	6
	A. Introduction	6
	B. List of priorities identified at the beginning of the mandate and updates on achievements	7
	C. Major challenges identified	12
	D. Commemoration of the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities	17
	E. Forum on Minority Issues	17
IV.	Conclusions and recommendations	19
Annex		
	Main data on communications sent by the mandate of the Special Rapporteur on minority issues (2005-2016)	22

** The annex to the present document is circulated in the language of submission only.

I. Introduction

1. The present report of the Special Rapporteur on minority issues, Rita Izsák-Ndiaye, is submitted pursuant to Human Rights Council resolution 25/5. It is the last report that she will submit to the Council as mandate holder. Section II contains an overview of her activities since her previous report to the Council (A/HRC/31/56). In section III, the Special Rapporteur reflects on her six-year tenure as mandate holder. She provides a brief overview of her thematic priorities and outcomes and considers some major challenges and emerging issues relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities. She also provides some reflections on the work of the Forum on Minority Issues during her mandate.

2. The Special Rapporteur thanks the numerous entities that have supported and collaborated with the mandate during her tenure, including minority communities, Member States, United Nations agencies, civil society organizations, academic and research organizations, and numerous other stakeholders. She would like to particularly thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the continuous support provided to the mandate.

II. Activities of the Special Rapporteur in 2016

3. The Special Rapporteur wishes to draw the attention of the Human Rights Council to the biannual bulletin published on her website, which summarizes all the activities of the mandate, including country visits, communications, thematic reports, press statements and public appearances.[1]

A. Country visits

4. During the reporting period, the Special Rapporteur conducted visits to Iraq, the Republic of Moldova and Sri Lanka. The reports of these missions will be issued as addenda to the present document.

5. The Special Rapporteur visited Iraq from 27 February to 7 March 2016. She expressed the need for bold steps to be taken to give hope to ethnic and religious groups facing an uncertain future. She concluded that while all communities had suffered under the criminal brutality of the so-called Islamic State of Iraq and the Levant (ISIL), also known as *Daesh*, many smaller ethnic and religious groups, including the Yazidis, had borne the brunt of violence and atrocities and thousands had been displaced. Some community leaders stated that their communities felt vulnerable to violence and abandoned and were concerned about their future in the country, with many deciding to leave Iraq. She acknowledged that confronting the clear and immediate danger posed by ISIL must be a high priority of the Government. However, she highlighted that the challenges faced by many minority groups did not begin with ISIL and would not end with its defeat. She expressed her belief that long-standing societal discrimination and marginalization of ethnic and religious groups must be more comprehensively acknowledged and confronted and a clear message must be sent to all of the country's diverse communities that they do have a future in Iraq.

[1] See www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx.

6. The Special Rapporteur visited the Republic of Moldova from 20 to 29 June 2016. She called on the Government to further promote the linguistic rights of minorities and to strengthen the unity between various population groups in the country. She emphasized that diversity should be valued as an important asset and strength of the Republic of Moldova. She has observed that the use of the mother tongue is highly important and emotive for many communities and an essential aspect of personal and community identity. She therefore urged that measures be taken to minimize the politicization of the use of languages, which often leads to polarization and might threaten peaceful coexistence if not resolved. She stressed that the future of the Republic of Moldova must be shaped and defined on the basis of such values and principles as respect for human rights, good and inclusive governance and the protection of minority rights, not by geopolitical labels.

7. The Special Rapporteur visited Sri Lanka from 10 to 20 October 2016. She urged the Government to seize the momentum gained by the new administration and to show its commitment to minority rights through concrete action. She noted that to achieve peaceful coexistence after the long, devastating civil war, a comprehensive, well-planned and well-coordinated truth, reconciliation, healing and accountability process must take place, and it could not be done overnight. However, she also stressed, that at the same time, the Government must rapidly put in place significant and concrete measures to clearly demonstrate its political will and commitment to better protect the dignity, identity, equality and right to participation in all walks of life of Sri Lanka's minorities.

B. Communications

8. The Special Rapporteur continued to send communications in the form of letters of allegation and urgent action letters relating to minority issues to Member States, the majority sent jointly with other relevant mandate holders. These are publicly available, together with the responses from the States concerned.[2]

C. Update on the Forum on Minority Issues

9. The Special Rapporteur was requested by the Human Rights Council, in its resolutions 6/15 and 19/23, to guide the work of the Forum on Minority Issues. The ninth session of the Forum was held in Geneva on 24 and 25 November 2016, with a thematic focus on minorities in situations of humanitarian crises. More than 500 delegates participated, including representatives of Member States, United Nations mechanisms, regional intergovernmental bodies, civil society and minorities. The recommendations of the Forum will be presented to the Council at its current session.

D. Events and conferences

10. From 13 to 15 January 2016, the Special Rapporteur participated as a keynote speaker at a Wilton Park event in London titled "Protecting the rights of ethnic and religious minorities: addressing contemporary global challenges".

11. On 24 and 25 January, she conducted an unofficial visit to Japan at the invitation of the Japan Federation of Bar Associations, where she delivered a keynote speech at a symposium on hate speech in the media and possible regulations.

[2] See www.ohchr.org/EN/HRBodies/SP/Pages/Communicationsreports/SP.aspx.

12. From 2 to 4 February, she participated in the second international meeting of the Global Action Against Mass Atrocity Crimes, held in Manila, on the topic "Preventing atrocities: how to strengthen national atrocity prevention architectures".

13. On 14 March, she met with a delegation of the European Parliament to discuss the situation of minorities in Europe, with a special focus on Roma.

14. On 16 March, she participated as a keynote speaker in a side event organized by OHCHR, held in Geneva during the session of the Human Rights Council, on minorities and caste-based discrimination.

15. On 26 and 27 April, she participated in the eleventh meeting of the Council of Europe Ad Hoc Committee of Experts on Roma and Traveller Issues, held in Sofia, where she presented the findings of her 2015 comprehensive study on the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism (A/HRC/29/24).

16. From 22 to 24 May, she attended the World Humanitarian Summit in Istanbul, Turkey.

17. On 8 July, at the invitation of the Government of Hungary, she spoke at an international conference, held in Budapest, to mark the fifth anniversary of the adoption of the European Union Framework for National Roma Integration Strategies up to 2020.

18. On 11 July, she delivered the opening speech at the Global Minority Rights Summer School in Budapest, organized by the Tom Lantos Institute, the Hungarian National University of Public Service and Middlesex University London.

19. On 12 July, she chaired the event titled "Leave no one behind: ensuring inclusion of the most marginalized and socially excluded communities in the Sustainable Development Goals", held at United Nations Headquarters on the occasion of the high-level political forum on sustainable development. She also participated as a keynote speaker at an event on Dalit and other marginalized women challenging inequalities, organized by the Asia Dalit Rights Forum and other partners at the Baha'i Center in New York.

20. On 18 August, she briefed the Committee on the Elimination of Racial Discrimination in Geneva about the work of her mandate and the Forum on Minority Issues, and discussed areas of mutual interest and potential collaboration.

21. On 5 October, she participated as a panellist at the fifth workshop on regional arrangements for the promotion and protection of human rights, organized by OHCHR in Geneva.

22. On 27 October, she convened a consultative session in New York ahead of the ninth session of the Forum on Minority Issues on the topic "Minorities in situations of humanitarian crises".

23. On 28 October, she presented her annual report to the General Assembly (A/71/254), which focused on minorities in situations of humanitarian crises.

24. On 16 November, she participated as a panellist at the ninth Budapest Human Rights Forum, organized by the Ministry of Foreign Affairs and Trade of Hungary.

25. On 24 November, she spoke at the event titled "Promoting and protecting minority rights through visual arts", organized in Geneva by OHCHR and the Canton and City of Geneva.

26. On 25 November, she participated as a speaker at the event titled "Excluded: stateless minorities in times of crisis", organized in Geneva by Minority Rights Group and the Permanent Mission of Austria to the United Nations Office at Geneva.

E. Statements

27. The Special Rapporteur issued several public statements, most of them jointly with other mandate holders, highlighting issues of concern involving minorities. The statements are available on her website.

F. Detailed analysis of communications sent by the mandate

28. The Special Rapporteur has conducted an analysis of all the communications sent since the inception of the mandate until 1 December 2016, which can be found on the website. The main findings are contained in the annex to the present report.

G. Follow-up on country visit recommendations

29. In October 2016, the Special Rapporteur wrote to the Governments of all the States that had received official visits from her or her predecessor, to inquire about the implementation of the recommendations made in the country visit reports.[3] She would like to thank the Governments of Bulgaria, Canada, Colombia, France, Greece, Hungary, Rwanda and Viet Nam for their responses. She prepared a short summary report on the basis of the responses received, which is available on the mandate's website.

H. Research on minority issues during the second cycle of the universal periodic review process

30. The Special Rapporteur conducted a second round of research analysing all minority-related recommendations made during the second cycle of the universal periodic review. The report is available on the website.

III. Reflections on the six-year tenure of the Special Rapporteur

A. Introduction

31. As she approaches the end of her tenure as mandate holder, the Special Rapporteur has undertaken a review of the major developments relating to her work, particularly with respect to the thematic priorities she had decided to focus on at the beginning of her mandate (A/HRC/19/56), as well as the major challenges and emerging issues in the field of minority rights protection that she came across during her tenure.

32. During the course of her work, the Special Rapporteur has promoted the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant international standards, and considered the following four main pillars of minority rights protection: (a) the protection of a minority's survival by combating violence against its members and preventing genocide; (b) the protection and promotion of the cultural identity of minority groups, and

[3] The States concerned were Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Colombia, the Dominican Republic, Ethiopia, France, Greece, Guyana, Hungary, Kazakhstan, Nigeria, Rwanda, Ukraine and Viet Nam. The country visits undertaken in 2016 (to Iraq, the Republic of Moldova and Sri Lanka) were not included.

their right to enjoy their collective identity and to reject forced assimilation; (c) the guarantee of the rights to non-discrimination and equality, including ending structural or systemic discrimination and the promotion of affirmative action, when required; (d) the right to effective participation of minorities in public life and in decisions that affect them. This approach has served as a fundamental tool in the assessment of States' compliance with minority standards and in defining specific areas of analysis in the thematic and country reports.

33. During her tenure, from August 2011 to December 2016, the Special Rapporteur focused her thematic reports to the Human Rights Council and the General Assembly on the following topics: the role and activities of national institutional mechanisms in promoting and protecting minority rights; the rights of linguistic minorities; minority rights-based approaches to the protection and promotion of the rights of religious minorities; ensuring the inclusion of minority issues in post-2015 development agendas; preventing and addressing violence and atrocities against minorities; hate speech and incitement to hatred against minorities in the media; minorities in the criminal justice system; minorities and discrimination based on caste and analogous systems of inherited status; and minorities in situations of humanitarian crises. At the invitation of the Council, she prepared a comprehensive study on the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism.

34. The Special Rapporteur conducted a total of eight official country visits, to Bosnia and Herzegovina, Brazil, Cameroon, Iraq, Nigeria, the Republic of Moldova, Sri Lanka and Ukraine.

35. The Forum on Minority Issues continued to serve as a unique platform for dialogue between minority representatives, civil society, academia, United Nations agencies and Member States on the challenges and progress made relevant to minority rights protection. In section E below the Special Rapporteur discusses the current state of the Forum and makes recommendations on how to improve it further.

B. List of priorities identified at the beginning of the mandate and updates on achievements

36. In her first thematic report to the Human Rights Council (A/HRC/19/56), the Special Rapporteur identified, on the basis of the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, eight thematic priorities to feature in her work during her term as mandate holder. These focus areas reflected some of the priorities that had been brought to her and her predecessor's attention by minorities themselves. In the present section, the Special Rapporteur summarizes the activities undertaken that are relevant to those priorities.

1. Rights of linguistic minorities

37. Issues and concerns have frequently been raised with the previous mandate holder relating to the rights of linguistic minorities. The Special Rapporteur therefore decided to pay special attention to the rights of and challenges faced by linguistic minorities. In order to examine the problems and to identify positive practices from all regions, she prepared a thematic report (A/HRC/22/49) to the Human Rights Council as well as a practical handbook focusing on the rights of linguistic minorities.

38. In her report, the Special Rapporteur emphasized that for minorities, language was a central element and expression of their identity and of key importance in the preservation of group identity. Language was often particularly important to non-dominant communities seeking to maintain their distinct group and cultural identity, sometimes under conditions of

marginalization, exclusion and discrimination. Minority language rights and language use were frequently a source of tensions, both between and within States. Proponents of linguistic rights had sometimes been associated with secessionist movements or had been seen as a threat to the integrity or unity of a State. The Special Rapporteur pointed out that it was often only when minorities asserted their rights to identity and language that discrimination or persecution started. Fulfilling the rights of minorities, including their language rights, was an essential means to prevent tensions from emerging and was a key element of good governance and conflict prevention. If not appropriately addressed at an early stage, such tensions had led to protracted conflicts and deepening of divisions between linguistic groups. Where conflicts had ceased or peacebuilding initiatives were under way, it was essential that all groups in society should play a full role in discussions, negotiations and decision-making processes.

39. Following her thematic study on the rights of linguistic minorities, the Special Rapporteur produced the handbook "Language rights of linguistic minorities: a practical guide for implementation", which is available in all six official languages of the United Nations on the mandate's website. This linguistic guide aims to serve as a practical tool to assist policymakers and right holders to have a better understanding of linguistic rights as well as to provide best practices that could be replicated in different contexts.

2. Rights and security of religious minorities

40. Information received by the previous mandate holder and the work of the Special Rapporteur on freedom of religion or belief, as well as other holders of thematic mandates, have revealed disturbing patterns of attacks and violence against members of religious minorities and their places of worship. In this context, the Special Rapporteur presented a thematic report to the General Assembly in 2013 (A/68/268) on minority rights-based approaches to the protection and promotion of the rights of religious minorities.

41. In her report, the Special Rapporteur indicated that she had become increasingly alarmed by the situation of millions of persons belonging to religious minorities globally who frequently faced discrimination, social exclusion, marginalization and, in many instances, harassment, persecution and violence. It was the primary duty of States to protect the security of religious minorities. Beyond reacting to incidents of violence, this duty required positive and preventive actions through active engagement with religious minorities. The Special Rapporteur advocated a minority rights-based approach to the protection of religious minorities that not only included guarantees for freedom of religion or belief, but also required States to take positive legislative and policy measures and concrete steps to create substantive equality for religious minorities in all areas of cultural, economic, political, public, religious and social life. Protection of minority rights, together with initiatives by States to foster dialogue between faith groups, helped to build a culture of understanding, acceptance and trust across faiths and helped to prevent tensions from emerging and deteriorating into violence and conflict.

3. Recognition of minorities

42. The Special Rapporteur welcomed the work of her predecessor relating to the rights and status of members of minorities in all regions that find themselves denied or deprived of citizenship, and has continued to raise awareness on these specific communities.

43. In her last report to the General Assembly (A/71/254), which focused on minorities in situations of h manitarian crises, the Special Rapporteur discussed in a separate section statelessness as a factor leading to increased vulnerability. She emphasized that minorities were often disproportionately affected by statelessness as a result of discriminatory nationality and citizenship legislation that could deny citizenship to some ethnic, linguistic, racial or religious groups or deprive them of citizenship, or because of discriminatory

implementation of nationality laws on similar grounds. Minorities could also be at higher risk of statelessness as a result of lack of access to personal documentation. She emphasized that in times of humanitarian crisis, conflict or natural disaster, such a lack of protection could be particularly acute. Statelessness was often a root cause of forced displacement, particularly in times of crisis. Forced displacement could in turn heighten the risk of becoming stateless, particularly as documents could be lost during flight.

44. Additionally, the Special Rapporteur has repeatedly called attention to minority groups that have been in particularly precarious legal situations owing to their lack of citizenship or the refusal of their respective countries to recognize and grant them rights as minorities. She has sent several communications to Member States where discriminatory legislative amendments, immigration reforms and other administrative decisions have placed minority communities at further risk.[4]

4. Cross-cutting issues: youth and women belonging to minorities

45. The previous mandate holder recognized the role and potential of young men and women within minority communities to inspire and promote change and develop positive relations across communities, as well as to be agents of change within their communities. The Special Rapporteur has continued to engage with young people from minority communities to learn about their views and ideas and to encourage them to take leadership roles as well as to engage in positive activities to promote intercultural dialogue. She also continued to systematically engage with minority women and to consult them on their issues and concerns in all aspects of her work, including during country visits and in her communications to specific States.

46. The Special Rapporteur dedicated the first Forum on Minority Issues under her leadership, the fourth session, to the topic "Guaranteeing the rights of minority women". The Forum participants recognized that it was particularly important that the voices and views of minority women be heard and that they be consulted and have the opportunity to participate fully in all aspects of life, both within their communities and in the wider society. Barriers to the empowerment of some minority women, including lack of social or economic contacts, networks or minority women's support groups, and scarcity of female minority role models had an important impact on the enjoyment by minority women and girls of their human rights. The Forum considered specific thematic areas in detail, for example, the access of minority women and girls to education; their ability to take part effectively in economic life and to have access to labour markets; and issues relating to their participation in social, cultural and political life. It recommended that Governments should seek and encourage opportunities for women's participation and work together with minority communities as well as minority and women's rights organizations to develop and implement programmes to sensitize minority women about their rights, and men about minority women's rights. All the relevant documents, including statements, the final recommendations and the summary report, are available on the Forum's website.[5]

47. Additionally, the Special Rapporteur organized separate meetings with minority women during her country visits to enable free and open discussions with them. Similarly, she frequently reached out to youth groups and organizations to listen to their views and recommendations. Wherever possible and necessary, the Special Rapporteur included the

[4] See, inter alia, allegation letters to the Governments of the Bahamas, case BHS 1/2015 (A/HRC/30/27); the Dominican Republic, cases DOM 3/2013 (A/HRC/25/74) and DOM 1/2014 (A/HRC/29/50); Myanmar, cases MMR 4/2014 (A/HRC/28/85) and MMR 5/2015 (A/HRC/30/27); and the United States of America, case USA 4/2012 (A/HRC/21/49).

[5] See www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session4.aspx.

issues of women and girls in separate sections of her thematic and country reports to enhance their visibility and help raise awareness on their very specific challenges and situations.

5. Achieving the Millennium Development Goals for disadvantaged minorities

48. The Special Rapporteur appreciated the work undertaken by her predecessor to highlight the situation of minorities in the context of the Millennium Development Goals, work that was highly important as the international community approached the 2015 deadline for achieving the Goals. She decided to dedicate a thematic report to the Human Rights Council (A/HRC/25/56) to ensuring the inclusion of minority issues in post-2015 development agendas.

49. In her report, the Special Rapporteur noted with concern that minorities often remained among the poorest and most socially and economically excluded and marginalized communities globally and that tens of millions of persons belonging to minorities were trapped in a cycle of discrimination, exclusion, poverty and underdevelopment from which they could not break free without targeted attention to their situations. Poverty within minority communities was both a cause and a manifestation of their diminished rights, opportunities and social advancement. The Special Rapporteur deeply regrets that despite the pledges for an inclusive 2030 Agenda for Sustainable Development, no explicit reference to minorities was included in the final document. She firmly believes that the successful implementation of the 2030 Agenda can only be achieved by taking into consideration the situation of minorities, and calls on States to fulfil in practice the principle of leaving no one behind.

6. Role of minority rights protection in conflict prevention

50. The Special Rapporteur sought further opportunities to build on the work of the previous mandate holder on the role of minority rights protection in conflict prevention presented to the General Assembly in 2010 and the Human Rights Council in 2011, and dedicated her report to the General Assembly in 2014 (A/69/266) as well as the seventh session of the Forum on Minority Issues to preventing and addressing violence and atrocities against minorities.

51. In her report to the General Assembly, the Special Rapporteur shared her observation that persons belonging to minorities were frequently the victims of violence and atrocities. Violence could take the form of attacks on individuals, their homes, shops or places of worship, or wider acts of aggression against communities with different national, ethnic or religious identities. In the worst cases, violence constituted mass atrocities, crimes against humanity, war crimes, ethnic cleansing and even genocide, often perpetrated with impunity. Sometimes violence was committed by non-State actors, including those belonging to the majority, or by larger, more powerful groups, extremist groups, or even business actors. Sometimes it was perpetrated by State actors.

52. She recalled that a primary objective of the United Nations and of most States in the area of peace and stability was to prevent violence before it broke out. The tragic experiences of past violence and atrocities had helped to better understand the causes of violence and the fact that minorities were frequently targets, and to produce indicators to predict violent incidents and provide early warning. However, States too often failed to translate clear early warnings into adequate, appropriate and timely measures to prevent or stop violence. In order to save lives and ensure peaceful societies, a high priority of stakeholders at all levels must be to improve prevention mechanisms and turn early warning into early action. At the national level, good and inclusive governance that included minorities and measures to ensure equality was a key prevention prerequisite. The international community must also improve its ability to engage and assist States in efforts

to prevent and resolve violence and to intervene effectively where States failed in their responsibility to protect minorities.

7. Role of minorities in advocating for their rights

53. The previous mandate holder emphasized that while Governments bore the primary responsibility for protecting and ensuring the rights of all within society, minorities themselves had a vital role and important responsibilities relating to their own communities and their place and integration in wider society. Therefore, the Special Rapporteur recognizes and applauds the work of grass-roots organizations and individuals in every region of the world working with and on behalf of disadvantaged minority communities to protect and promote their rights.

54. To date, the present Special Rapporteur and the previous mandate holder together sent a total of 26 communications to Member States jointly with the Special Rapporteur on the situation of human rights defenders, addressing situations whereby minority rights defenders were targeted because of their work. Some of them suffered reprisals, arrest and detention, as well as expulsion, in connection with their human rights activities.[6] The Special Rapporteur raises her deep concerns about cases of reprisals against minority rights defenders, and urges minority activists to inform her Office whenever any intimidation or reprisal occurs in connection with their work, so that appropriate action can be taken.

8. Increased outreach and networking with minority groups

55. The Special Rapporteur had identified the need to expand the group of minority activists and experts cooperating with the mandate and providing information. She wished to support the establishment of a global network or caucus of minorities that would serve as a communication link between diverse minorities and minority rights-focused non-governmental organizations (NGOs) from all regions and facilitate the sharing of information on a systematic basis among minorities, and between the United Nations and minority groups. She also committed herself to helping the United Nations, in particular OHCHR, to establish and expand contacts with minority civil society organizations.

56. The Special Rapporteur has prepared a contact list of interested minority activists who wished to be kept informed about the activities undertaken under the mandate and who were subsequently included in the mailing list. She also provided contact information to the OHCHR NGO database, which now includes details and information about various minority civil society organizations. She welcomes current initiatives by the OHCHR Indigenous Peoples and Minorities Section to create a database of all minority fellows who participated in the OHCHR Fellowship Programme. She believes that this group of former fellows would be well positioned to make important contributions to the work of OHCHR and the mandate with respect to minorities, eventually forming an important caucus to advance United Nations activities.

[6] See, inter alia, communications sent to the Governments of China, case CHN 11/2008 (A/HRC/11/2/Add.1); Colombia, case COL 5/2015 (A/HRC/32/53); Greece, case GRC 3/2012 (A/HRC/23/51); India, case IND 4/2013 (A/HRC/24/21); Lithuania, case LTU 1/2015 (A/HRC/31/79); Malaysia, case MYS 5/2011 (A/HRC/18/51 and Corr.1); Nepal, cases NPL 6/2014 (A/HRC/28/85) and NPL 2/2015 (A/HRC/31/79); and Turkey, cases TUR 2/2011 (A/HRC/18/51 and Corr.1), TUR 6/2011 (A/HRC/19/44) and TUR 1/2012 (A/HRC/20/30).

C. Major challenges identified

57. In the following paragraphs, the Special Rapporteur highlights issues that have consistently emerged during the course of her work, including country visits, which she considers as requiring greater attention by Governments, the international community and minority groups.

1. Major barriers to the effective promotion and protection of minority rights

58. The Special Rapporteur wishes to state at the outset that she is of the view that the progress achieved in the last decades in the field of minority rights protection is under threat, and that there is a serious risk that guarantees that have been put in place could be reversed. In recent years, protracted and recent conflicts of various kinds around the globe have led to an unprecedented number of internally displaced persons, migrants and refugees, many of whom belong to minority groups. Increasing hate speech, xenophobic rhetoric and incitement to hatred against minorities have been coupled with the rise of far-right and extremist political parties that are using minorities as scapegoats to divert domestic attention from entrenched and structural problems. Developments in the field of counter-terrorism legislation, discrimination and lack of representation of minorities in governmental structures and within the administration of justice globally have resulted in minorities being increasingly targeted. Widespread attacks against minority individuals and communities, perpetrated with total impunity in different regions, demonstrate the continuing vulnerability faced by minorities around the globe.

59. The Special Rapporteur is alarmed at the rise of populism, which hampers efforts to include minorities in the national psyche in their respective countries. She is concerned that even the very notion of democracy is being challenged and that there are views that are widely shared, especially on social media, that a democratically elected political leadership has the power to take any decision freely, without, and even against, minorities because minorities — usually being inferior in number — are subject to the will of the majority. The Special Rapporteur stresses that democracy requires good and inclusive governance under which legal, administrative and territorial arrangements are made to allow peaceful and constructive group accommodation on the basis of equality in dignity and rights for all and that allows for the pluralism necessary to enable persons belonging to different groups to preserve and develop their identity (see E/CN.4/Sub.2/AC.5/2005/2, Commentary, para. 13).

60. The Special Rapporteur is concerned that in some regions and in several countries, minority rights protection is not seen to be important, or even relevant, owing to deliberate denial or lack of understanding of its legitimacy. There is a need for stronger awareness-raising on what the entire minority rights protection regime entails, that it also includes wide-ranging issues around religious and linguistic identity, and that the effective promotion and protection of the rights of minorities contribute to the political and social stability of States and, therefore, are always timely and important. It is essential to understand that majority-minority relations should be assessed not only from a national perspective but also specifically in the context of smaller territorial and local levels, where the dynamics and dimensions of identity, ethnicity, religion, language and access to power and resources are frequently more important and play a greater role in the daily lives of individuals and communities. The notions of "majority" and "minority" may be interchangeable and depend on the particular context, as a group that constitutes a dominant majority nationally or regionally may be numerically inferior and non-dominant in another region. Therefore, minority rights standards must also be applied to those groups constituting de facto minorities in the localities where they live.

61. The Special Rapporteur has observed challenges to use of the term "minority" for certain distinct communities, either because they reject being referred to as minorities on the basis of a perceived negative connotation, or because they self-identify as minorities but the State refuses to recognize them as such.

62. In certain regions, she has found that groups that fall or would fall under the legal category of "minorities" because of the distinct cultural, linguistic, religious or other identity of their members reject the use of the term, which they regard as "derogatory", "discriminatory", or establishing a "second-class" category of citizens. In these cases, groups tend to use alternative nomenclature to refer to themselves, such as "religious groups", "communities", "societal components" and others.

63. While the Special Rapporteur fully respects the principle of self-identification, she considers that further efforts are necessary to fully convey the meaning, scope and implications of the term "minority" to minority groups themselves, so that the term can be reclaimed and used with the empowering intent it actually holds. She reiterates that the term "minority" does not imply any inferiority or diminished status in any way, but rather the recognition that the principles of equality and non-discrimination are not fulfilled for certain groups. Minority protection entitles persons belonging to minorities to specific rights, imposing concrete obligations on States to ensure the survival and continued development of the cultural, religious and social identity of the minorities.[7]

64. In some instances, States are reluctant to recognize the existence of minority groups within their territories, and therefore reject the concept of "minority" and the recognition of minority status for those groups. In other cases, States legally recognize certain groups as minorities in their constitution, but apply restrictive definitions or discriminatory criteria, for example, when introducing citizenship as a distinguishing criterion for granting minority rights (ibid., para. 10).

65. The Special Rapporteur recognizes that the lack of a universally accepted legal definition of the term "minority" in international law may create inconsistencies. However, she also recalls that in the absence of a formal definition, the existence of a minority group can be assessed using objective and subjective criteria on the basis of international standards.[8] Objective criteria include, inter alia, shared characteristics of the group such as ethnicity, national origin, culture, language or religion. Subjective criteria focus on the principle of self-identification and the desire to preserve the group identity. According to the principle of self-identification, individuals belonging to minority groups have the right to self-identify or not to self-identify as a minority. She further recalls that the existence of an ethnic, religious or linguistic minority in a given State does not depend upon a decision by that State but must be established by objective criteria. Moreover, the minority need not be nationals or citizens, or even permanent residents.[9]

66. Furthermore, the Special Rapporteur acknowledges that in order to avoid protection gaps, the minority rights framework can and should be applied to groups that, although belonging to the same ethnic, religious or linguistic group as the larger community are in a non-dominant (and often marginalized) position and suffer stigma, self-identify as minorities and have historically used the minority rights framework to claim their rights. This is the case of many caste-affected groups worldwide, to which the Special Rapporteur devoted her previous thematic report to the Human Rights Council (A/HRC/31/56).

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[7] Human Rights Committee, general comment No. 23 (1994) on the rights of minorities, para. 9.

[8] Ibid. See also Working Group on Minorities, Commentary to the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (E/CN.4/Sub.2/AC.5/2005/2).

[9] Human Rights Committee, general comment No. 23, para. 5.2.

67. The Special Rapporteur has observed that certain groups within minority communities, such as minority women, children, older persons, persons with disabilities, and lesbian, gay, bisexual and transgender persons, experience unique challenges and multiple and intersectional forms of discrimination emanating from their status as members of minorities and their specific condition or situation. The Special Rapporteur encourages further research to fully understand their situation and calls for targeted actions to address their particular challenges.

68. Global migration patterns often drive certain migrants to form more or less compact communities in their host country. States must make concerted efforts to support members of new minorities to integrate into the national labour market, social fabric and collective psyche and to establish guarantees for them to freely practise their language, religion, traditions and culture. Feelings of alienation and lack of belonging, as often experienced by migrants, and feelings of fear and threat, as often experienced by citizens, may induce anti-social and even criminal behaviour, including extremism. Such feelings should be met with proactive diversity programmes helping migrants and citizens to connect and know each other better, and favouring social integration for all.

69. The Special Rapporteur has often been struck by the general lack of knowledge and understanding about the most disadvantaged minorities and their daily struggles for basic human rights and dignity. This is often compounded by negligence on the part of authorities, owing to non-inclusive governance, lack of channels of communication between minorities and authorities and lack of accessible spaces for safe exchange of the various views, concerns, experiences and aspirations. The Special Rapporteur is concerned that growing inequalities in many parts of the world and the increasing concentration of power in the economic and political spheres as well as in the media will lead to further marginalization of those who are already on the bottom. She believes that communication, trust-building and power-sharing between various groups belonging to different societal strata are prerequisites for sustainable development, peace and stability.

70. The Special Rapporteur has been particularly alarmed by the limited, or often complete lack, of minority presence in political and public offices. She has repeatedly stressed throughout her tenure the need to ensure that minorities are included in all decision-making processes, including in municipal and government structures, law enforcement bodies, the judiciary, legislative bodies, criminal justice systems and all authorities, especially when their decisions affect minorities. Without their participation, such bodies are less able to make vital decisions in a way that benefits the entire society, and they will also be less trusted by minorities, who might be reluctant to access them, or discouraged from doing so.

71. The Special Rapporteur recalls that the various forms of discrimination, violence and atrocities are different manifestations of similar mind sets and are often rooted in fear, ignorance, feelings of insecurity or, simply, envy of the other. She regrets the disconnect between the psychological, social and legal studies in this field, and urges the United Nations to pay increased attention to better understanding the actual psychosocial motives behind prejudice, racism, bigotry and hatred so they can be better addressed and prevented.

2. Need for adequate data collection and statistical analysis

72. As the Special Rapporteur has repeatedly stated in her thematic and country visit reports, it is crucial for States to be aware of the composition of their population, including who the minority groups are, in order to obtain an accurate picture of the number, geographical distribution, identity and socioeconomic status of minority groups. Collection and statistical analysis of disaggregated data on minorities are essential tools for designing and monitoring adequate policies and targeted plans for minorities. In the process of collection and analysis of disaggregated data, provisions should be made to safeguard

against discrimination, stigmatization and any misuse of sensitive information, in accordance with international standards of personal data protection and privacy.

73. Disaggregated data-gathering should be conducted at the national, regional and local levels through the national census and periodic social surveys, accompanied by appropriate statistical analysis. It is essential to include data takers from diverse backgrounds, including minority persons, especially in territories where minorities are concentrated. Census questions should allow for open and multiple responses to enable respondents to self-identify according to their national, ethnic, religious and linguistic affiliation, including multiple identities. It is necessary to develop various socioeconomic indicators and indices to adequately assess possible marginalization of and discrimination against minorities with respect to, inter alia, access to education, employment, health, housing and public services. Moreover, other forms of surveys, such as population surveys that measure experiences, perceptions and attitudes, and situation-testing surveys to directly measure discrimination in specific instances may be necessary to fully understand the status of minorities.

3. Strengthening the institutional framework for better protection of minority rights

74. International as well as national legal frameworks on minority rights are essential. However, they are not sufficient to guarantee the actual implementation of the rights of persons belonging to minorities. The Special Rapporteur has repeatedly emphasized that specialized mechanisms need to be put in place at all levels to facilitate legislative and policy development and the design, implementation and monitoring of minority-related programmes (A/67/293). And while Governments have the primary responsibility to implement minority rights, regional and universal mechanisms are called upon to play an important role in supporting, guiding and monitoring States' compliance with international standards on minority rights.

75. Specialist national institutions and mechanisms on minority rights should have proactive mandates that include, inter alia, reviewing and proposing domestic standards and providing expertise and information to legislative drafting and policymaking processes; monitoring laws and policies with respect to minority rights and recommending amendments or implementation measures; encouraging and coordinating programming on minority issues and strategies devised to address problems relating to minorities; promotion and education activities; developing good practice guides, information resources and reports; developing campaigns and outreach relating to minority rights and building bridges and working as effective channels of communication between minority communities and the public administration. Their role is of paramount importance to ensure that the enjoyment of minority rights is a reality and not merely an aspiration.

76. The Special Rapporteur often came across gaps between the ambitious policies, legislation, action plans and programmes on minorities, on the one hand, and the lack of mechanisms in place to actually carry them out or monitor their implementation, on the other. She is concerned that during her tenure, several countries had difficulties in identifying the most relevant governmental departments in charge of minorities and even when they did so, their capacities in terms of staff, budget and authority often did not meet the necessary minimum standards to provide effective attention to and protection of minorities.

77. The Special Rapporteur is of the view that given the importance of realizing minority rights as an essential means to prevent tensions and conflict, investment in institutional attention to minority issues is needed more than ever. States should redouble their efforts to institutionalize expertise in minority rights before tensions arise, in order to identify potential problems and implement effective prevention measures. This is important not only for States with significant minority populations and where there is a history of ethnic or religious tensions or conflict, but for all States, owing to the present international

migration dynamics whereby new minorities are called upon to coexist with other groups who have been established for a longer time on the territory.

78. The national dimension of the institutional attention to minority issues must be complemented and reinforced by solid regional and international mechanisms tasked to promote domestication of minority rights, as well as the protection and promotion of minority standards regionally and internationally. In this regard, the Special Rapporteur recognizes several existing good practices, such as the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe and various dedicated mechanisms of the Council of Europe, while also noting the need for further strengthening regional mechanisms. For instance, there are no specialized mechanisms on minorities within the African Commission on Human and Peoples' Rights, the Economic Community of West African States or the Association of Southeast Asian Nations. The Special Rapporteur began a dialogue, encouraging the creation of focal points on minorities within regional mechanisms as a starting point, and urged that consideration be given to the possible extension of the mandates of relevant existing bodies.

4. Strengthening the role of the United Nations in the protection of minorities

79. The Special Rapporteur welcomes the increasing attention devoted by the United Nations to minority issues worldwide in recent years, as well as within the system itself. This includes the creation in 2012 of the United Nations network on racial discrimination and the protection of minorities,[10] coordinated by OHCHR and comprised of more than 20 United Nations departments, agencies, programmes and funds. The network developed specific recommendations and principles for effective United Nations action in addressing racial discrimination and protection of minorities in line with international standards, which were issued as a guidance note of the Secretary-General in 2013.[11]

80. In view of the current state of affairs, with increasing hate speech, xenophobic rhetoric and incitement to hatred against minorities, coupled with the rise of far-right and extremist political parties worldwide, the Special Rapporteur believes that it is crucial to appoint a high-level official on minority issues within the Secretariat and to establish senior positions within United Nations departments and agencies dedicated solely to issues of minority rights protection, diversity management and safeguarding pluralistic societies. The designation of minority focal points in all United Nations field offices would also be a great step forward.

81. The Special Rapporteur also believes that United Nations staff in all offices and entities, particularly in the field, should better reflect the national, ethnic and religious makeup of the societies in which they operate. Staff members from minority groups not only bring expertise on the issues affecting minorities to the work of the United Nations, but also serve as a bridge between United Nations and minority communities. The Special Rapporteur was pleased to identify good practices in this regard. In 2012, the United Nations country team in the Republic of Moldova conducted an internal survey to assess the diversity of its staff and launched an internship programme for persons belonging to the identified underrepresented groups, including persons with disabilities, Afro-descendants and Roma. The Special Rapporteur strongly encourages the replication of this initiative in other United Nations offices.

82. As part of its crucial role on minority issues, it is imperative that the United Nations take a stronger stance in advocating for minority rights protection at both national and

[10] Policy Committee decision No. 2012/4 of 6 March 2012.

[11] Available from www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf.

regional levels, to ensure that States strengthen their legal, policy and institutional frameworks and that regional anti-discrimination and minority rights standards and mechanisms are put in place for the protection and promotion of minority rights, respectively. Equally, the Organization should consider strengthening existing mechanisms and platforms for minorities within the United Nations system, including the Forum on Minority Issues, by providing additional resources. Furthermore, the establishment of a committee to monitor the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 is long overdue and would assist Member States in complying with their obligations under the Convention.

D. Commemoration of the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

83. The twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities will take place in 2017. This anniversary provides a unique and timely opportunity to reflect on the past achievements and to look forward to identify ways to further strengthen international standards on minority rights protection. In its preamble, the Declaration states that "the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live" and emphasizes that the constant promotion and realization of such rights "as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States".

84. The Special Rapporteur encourages United Nations offices and agencies, Member States and civil society and minority representatives to organize specific initiatives to mark this important anniversary to further promote awareness of the Declaration and consider specific issues most relevant to minorities.

E. Forum on Minority Issues

85. The Forum on Minority Issues, which replaced the Working Group on Minorities, was established in 2007 by the Human Rights Council in resolution 6/15 and reaffirmed in 2012 by resolution 19/23. It is mandated to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as to provide thematic contributions and expertise to the work of the Special Rapporteur on minority issues. The Special Rapporteur is tasked with guiding the work of the Forum, preparing its annual meetings and reporting on the thematic recommendations of the Forum to the Council. The Forum meets annually in Geneva for two working days, allocated to thematic discussions. An average of more than 500 participants attend the Forum, including minorities, Member States, United Nations mechanisms, regional intergovernmental bodies and NGOs.

86. The mandate of the Special Rapporteur thus complements and enhances the work of the Forum, and the Special Rapporteur has fostered the complementary and mutual reinforcement of both mechanisms throughout her tenure. She has guided a total of six sessions of the Forum on the following themes: "Guaranteeing the rights of minority women" (2011), "Implementing the United Nations declaration on minority rights: identifying positive practices and opportunities" (2012), "Guaranteeing the rights of religious minorities" (2013), "Preventing and addressing violence and atrocity crimes targeted against minorities" (2014), "Minorities in the criminal justice system" (2015) and

"Minorities in situations of humanitarian crises" (2016). Since 2013, the Special Rapporteur has devoted her annual thematic report to the General Assembly to the same topic as the Forum session, as a means to contribute to and inform the discussions within the Forum. The Special Rapporteur notes that the themes she selected for the annual sessions focused on areas that had emerged as particularly concerning or problematic for minorities and where they believed that minority rights should be better applied and mainstreamed. She believes that the Forum makes a vital contribution to deepening international understanding on these important and topical areas as well as to international standard and norm setting.

87. During her tenure, the Special Rapporteur has promoted the work of and the recommendations emanating from the Forum on Minority Issues in other forums. As a regional follow-up activity to the Forum, she travelled to Banjul in April 2013 to attend the fifty-third ordinary session of the African Commission on Human and Peoples' Rights where, among other activities, she organized a public side event with the participation of Commissioner Soyata Maïga, who served as Chair of the fifth session of the Forum. That event provided an opportunity to brief the participants about the mandate and the Forum, and to share information related to minorities with different African human rights mechanisms. In November 2015, the Special Rapporteur organized a side event during the eighth session of the Forum to consider, inter alia, ways to improve the structure and working methods of the Forum, to share best practices on how to better mainstream its recommendations and to discuss how United Nations mechanisms, in particular the Forum, could remain relevant for and accessible to minorities on the ground. In October 2016, on the occasion of the presentation of her report to the General Assembly, she convened a consultative session in New York that served as an opportunity to discuss the draft recommendations of the Forum ahead of its ninth session as well as to raise awareness of the work of the Forum outside Geneva and engage relevant stakeholders in New York.

88. It will be essential to ensure the effective continuation of the Forum on Minority Issues. The Special Rapporteur wishes to thank in particular the Governments of Austria and Hungary for their generous support from the outset. The Special Rapporteur hopes that more States will attach increased importance to this unique platform. She encourages them to demonstrate their commitment to minority rights by contributing to the funding of the Forum so as to ensure its sustainability and progress.

89. It will be important in the future to consider bringing the Forum on Minority Issues into the various regions so members of minorities and NGOs who cannot afford to travel to Geneva will be able to contribute to the Forum's deliberations in their respective localities. It would also be desirable to extend the session for longer than two days so more participants could take the floor and the discussions could go deeper into the heart of the recommendations. Other challenges include the limited awareness of the Forum at regional and local levels and the lack of capacity to follow up on the implementation of its recommendations. Furthermore, it will be important to foster the ownership of the Forum's agenda by minorities themselves, to encourage focused and constructive participation of States and minority representatives, to strengthen the engagement of other United Nations bodies in the Forum and to promote a more interactive dialogue and discussion during its sessions.

90. Next year will mark the tenth anniversary of the creation of the Forum on Minority Issues, and the Special Rapporteur considers this to be an ideal opportunity to further reflect on the above-mentioned challenges and ways to better promote and achieve the goals of the Forum.

IV. Conclusions and recommendations

91. **The Special Rapporteur is concerned that, with increasing hate speech, xenophobic rhetoric and incitement to hatred against minorities, coupled with the rise of extremists and far-right political parties, the progress achieved during the past decades in the field of minority rights protection is under threat. Therefore, she urges that swift and concrete guarantees be put in place to preserve those achievements and to allow further improvement. Such guarantees must come in the form of strengthened legislative and institutional frameworks for minority rights protection, as well as demonstrating an unequivocal political will to foster conditions for a cohesive society where there is unity in diversity.**

92. **The Special Rapporteur calls upon States to review their respective domestic legislation to ensure that it is fully in line with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. She recalls the four pillars of minority rights protection that should be reflected in those laws: (a) the protection of a minority's survival by combating violence against its members and preventing genocide; (b) the protection and promotion of the cultural identity of minority groups, and their right to enjoy their collective identity and to reject forced assimilation; (c) the guarantee of the rights to non-discrimination and equality, including ending structural or systemic discrimination and the promotion of affirmative action, when required; (d) the right to effective participation of minorities in public life and in decisions that affect them. The Special Rapporteur wishes to stress that merely having non-discrimination clauses, according to which all members of the society are to be treated equally, without the aforementioned additional guarantees have often proven insufficient for effective protection of disadvantaged minorities.**

93. **The Special Rapporteur has observed challenges to the use of the term "minority" for certain distinct communities, either because they reject being referred as minorities on the basis of a perceived negative connotation, or because they self-identify as minorities but the State refuses to recognize them as such. She considers that further awareness-raising is required to fully convey the meaning, scope and implications of the term "minority", so that it can be reclaimed and used with the empowering intent it actually holds. Moreover, she recalls that the existence of an ethnic, religious or linguistic minority in a given State does not depend upon a decision by the Government but needs to be established by objective criteria. Members of those minorities need not be nationals or citizens, or even permanent residents. Therefore, she encourages States to be as inclusive as possible when designing protection measures for all disadvantaged minorities within their territories, including migrant workers and newly arrived minorities.**

94. **The Special Rapporteur is concerned that minorities are often disproportionately affected by statelessness as a result of discriminatory nationality and citizenship legislation that may deny citizenship for some ethnic, linguistic, racial or religious groups or deprive them of citizenship. Today, at least 10 million people around the world are denied a nationality and, although there are no disaggregated data, estimates indicate that many, if not most, of them belong to minority communities. Therefore, she welcomes current United Nations efforts, including the I Belong campaign to end statelessness of the Office of the United Nations High Commissioner for Refugees, and urges Member States to pledge their full support and cooperation so statelessness can be ended and so that it will not be a further source of stigmatization and discrimination against minorities.**

95. Legal frameworks on minority rights are essential but not sufficient to guarantee the actual implementation of the rights of persons belonging to minorities. Dedicated institutional attention in the form of specialized mechanisms at all levels need to be put in place to facilitate legislative and policy development and the design, implementation and monitoring of minority-related programmes.

96. The national dimension of the institutional attention to minority issues must be complemented and reinforced by solid regional and international mechanisms tasked with promoting domestication of minority rights as well as the protection and promotion of minority standards regionally and internationally. The Special Rapporteur encourages regional systems to adopt strong minority rights standards and establish dedicated mechanisms, where they do not yet exist, to protect and promote the rights of minorities.

97. The Special Rapporteur is gravely concerned at the limited, or often complete lack, of a minority presence in political and public offices. She has repeatedly stressed throughout her tenure the need to ensure that minorities are included in all decision-making processes, including in municipal and government structures, law enforcement bodies, the judiciary, legislative bodies, criminal justice systems and all authorities, especially when their decisions affect minorities. Without their participation, such bodies are less able to take vital decisions for the benefit of the entire society and may be less trusted by minorities, who may be reluctant to access them, or discouraged from doing so. Moreover, good and inclusive governance, which includes minorities and measures to ensure equality, are key conflict-prevention prerequisites. Good governance includes legal, administrative and territorial arrangements that allow for peaceful and constructive group accommodation on the basis of equality in dignity and rights for all and that allows for the necessary pluralism to enable the persons belonging to the different groups to preserve and develop their identity.

98. The Special Rapporteur believes that similarly, United Nations staff in all offices and entities, particularly in the field, should better reflect the national, ethnic and religious make-up of the societies in which they operate. With established, strong networks of consultation with minorities and trust-building efforts between United Nations offices and minority communities, the Organization will be better equipped to fulfil its vital role in recognizing and responding to early warning signs of intercommunal tensions and be better prepared to prevent mass atrocity crimes and genocide, of which minorities are the most frequent targets.

99. The United Nations in general should advocate more strongly for minority rights protection at both national and regional levels, to seek to ensure that States strengthen their legal, policy and institutional frameworks and that regional anti-discrimination and minority rights standards and mechanisms are put in place for the protection and promotion of minority rights, respectively. Equally, the Organization should consider strengthening existing mechanisms and platforms for minorities within the United Nations system, including the Forum on Minority Issues. It would be important for the United Nations network on racial discrimination and the protection of minorities to regularly update the Human Rights Council about its work. Furthermore, the establishment of a committee to monitor the implementation of the Convention on the Prevention and Punishment of the Crime of Genocide is long overdue and would assist Member States in complying with the Convention. It would also be crucial to appoint a high-level official on minority issues within the Secretariat as well to establish senior positions within United Nations departments and agencies to look into issues of minority rights protection, diversity management and safeguarding

pluralistic societies. The designation of minority focal points in all United Nations field offices would be another great step forward.

100. The Special Rapporteur has repeatedly emphasized that the collection and statistical analysis of disaggregated data on minorities are crucial to obtain important baseline information on the actual situation and status of minority communities. Such data would allow for adequate policy responses to minority issues, including the establishment and monitoring of targeted actions and programmes to prevent and address poverty, exclusion and discrimination. The Special Rapporteur urges States to collect data disaggregated on the basis of, inter alia, gender, ethnicity, language and religious affiliation. Individuals should be able to self-identify and express multiple identities. Data collection should be periodic and comply with international standards of privacy and personal data protection.

101. Minorities remain among the poorest and the most socially and economically excluded and marginalized communities globally, yet targeted attention to their situations is lacking. The Special Rapporteur believes that the adoption of the 2030 Agenda for Sustainable Development, although it failed to include an explicit reference to minorities, provides important momentum for their inclusion in the actions to be undertaken for its implementation. She firmly believes that the successful implementation of the 2030 Agenda can only be achieved by taking into consideration the situation of minorities, and calls on States to fulfil in practice the principle of leaving no one behind.

102. Next year marks the twenty-fifth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This anniversary constitutes a reminder of and a crucial opportunity to strengthen international standards on minority rights protection. The Special Rapporteur encourages United Nations offices and agencies, Member States and civil society and minority representatives to organize specific initiatives to mark this important anniversary to further promote awareness of the Declaration and to use the opportunity to revisit specific issues most relevant to minorities.

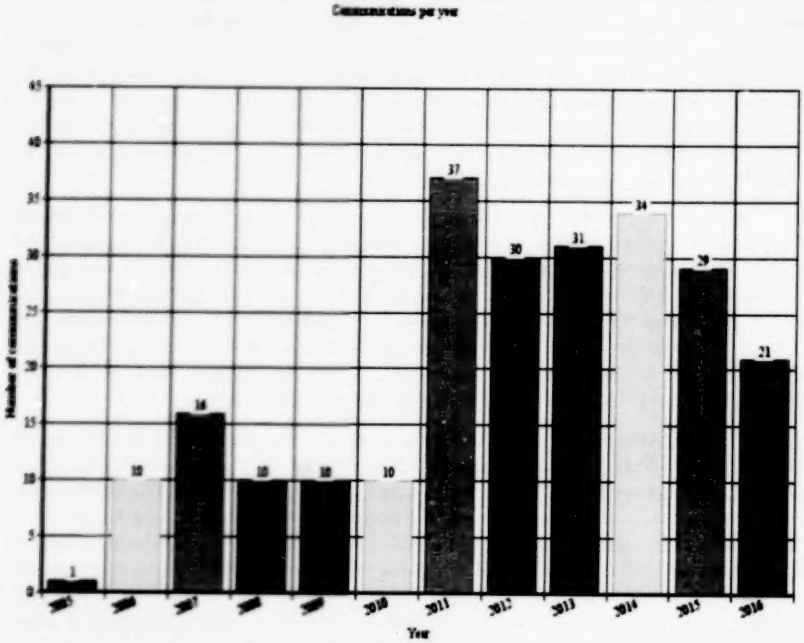
103. Next year also marks the tenth anniversary of the creation of the Forum on Minority Issues. This will provide a unique opportunity to discuss how to strengthen and support the functioning of this unique and global platform to facilitate dialogue and address relevant issues pertaining to minorities. The Forum should be provided with the necessary resources to fully implement its mandate. The Special Rapporteur encourages consideration to be given to raising the Forum's profile at the regional and international levels, following up the implementation of its recommendations, fostering ownership of the Forum's agenda by minorities and promoting a more interactive dialogue and discussions during the Forum's sessions.

104. The Special Rapporteur particularly encourages OHCHR to launch an awareness-raising and action campaign, including through the United Nations network on racial discrimination and the protection of minorities, on the occasion of the two anniversaries. Such a campaign should advocate for better mainstreaming of minority rights across United Nations departments and agencies and could highlight the most important emerging issues and best practices to assist Member States in strengthening their minority rights protection efforts.

Annex

Main data on communications sent by the mandate of the Special Rapporteur on minority issues (2005-2016)

1. From 1 August 2005 to 1 December 2016, the Special Rapporteur on minority issues sent a total of 239 individual communications to Governments. In 2005, the first year of the mandate, only one communication was sent. Since then, there has been an almost steady increase in the number of communications sent annually, with the highest number of communications sent in 2011, when the current mandate holder took office. The breakdown in the number of individual communications sent each year is shown in the figure below (the figure for 2016 is as of 1 December).



2. The distribution of communications by region during the period under examination was also analysed. The largest number of communications (118) were sent to States in the Asia-Pacific region. The Europe and Central Asia region came second, with 75 communications, followed by the Middle East and North Africa region, with 21. Countries in the Americas region received 16 communications, while the Africa region received 9 communications.

3. Out of the 239 communications sent by the Special Rapporteur, 232 were addressed to Governments jointly with other mandate holders; only 7 communications were sent by the Special Rapporteur alone. Altogether, the number of joint communications amounted to 97 per cent of the total number.

4. Of the joint communications, 118 were joint allegation letters and 114 were joint urgent appeals. The Special Rapporteur sent one allegation letter and six urgent appeals

without other mandate holders joining. The number of joint urgent appeals (49.1 per cent) and joint allegation letters (50.9 per cent) was almost even.

5. The most frequent partners of the Special Rapporteur were the Special Rapporteur on freedom of religion or belief (105 communications); the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (54); the Working Group on Arbitrary Detention (49); the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (49); the Special Rapporteur on extrajudicial, summary or arbitrary executions (42); and the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living (41). The other mandate holders who joined with the Special Rapporteur in sending communications were the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (41); the Special Rapporteur on freedom of peaceful assembly and of association (34); the Special Rapporteur on the situation of human rights defenders (26); the Special Rapporteur on the independence of judges and lawyers (22); the Special Rapporteur on violence against women, its causes and consequences (17); the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (17); the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (17); the Special Rapporteur in the field of cultural rights (15); the Working Group of Experts on People of African Descent (11); the Special Rapporteur on the situation of human rights in Myanmar (11); the Special Rapporteur on the right to education (11); the Special Rapporteur on the human rights of migrants (10); the Working Group on the issue of discrimination against women in law and practice (10); the Special Rapporteur on the rights of indigenous peoples (8); the Special Rapporteur on the right to food (8); the Working Group on Enforced or Involuntary Disappearances (8); the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (7); the Special Rapporteur on extreme poverty and human rights (7); the Special Rapporteur on the human rights of internally displaced persons (5); the Special Rapporteur on the sale of children, child prostitution and child pornography (4); the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances (3); the Special Rapporteur on trafficking in persons, especially women and children (2); the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (1); and the Working Group on the issue of human rights and transnational corporations and other business enterprises (1).

6. The victims of violations of minority rights have been a disparate group, including individuals and small groups of human rights defenders, lawyers, religious minorities and ethnic minorities. The mandate holders also sent a considerable number of communications raising concerns about draft legislation that could have a negative or discriminatory effect on persons belonging to minorities, as well as about the lack of implementation of certain policies or action plans.

7. In terms of the reasons for the communications, the largest number of communications (94) was sent on issues concerning religious minorities. There were also 10 cases where the issues in question related to groups that qualified both as religious and as ethnic minorities. The second-largest group of victims was ethnic minorities, concerning which 72 communications were sent; 114 communications were sent on cases concerning Roma. There were 26 communications concerning human rights defenders working on promoting and protecting the rights of persons belonging to minorities who suffered reprisals, including expulsion, arrest or detention in connection with their human rights activities, and two cases concerning lawyers. In 20 cases, the victims of violations were not groups, but individuals.

8. The mandate holders also sent 41 communications concerning the situation of Roma around the world. Eight communications raised concerns about draft or existing pieces of legislation, while four communications concerned the rights of indigenous peoples (who sometimes also qualified as ethnic or religious minorities).

9. The mandate holder has acted on a wide variety of information originating from various sources. While data are not available for the entirety of the communications sent during the period under review (information regarding the source of the communication in 31 cases is missing from the database of the Office of the United Nations High Commissioner for Human Rights), it is still evident that the largest group by far that sent information was international non-governmental organizations (NGOs) (102 cases, 44 per cent), the second being domestic NGOs (44 cases, 18 per cent). Next were international organizations (26 cases, 10 per cent), regional NGOs (12 cases, 5 per cent); the Special Rapporteur herself (7 cases, 3 per cent) and individuals (6 cases, 2.5 per cent). Information was also received from academia, political parties, government agencies, the media, law firms, religious organizations and other institutions.

10. From among the international NGO sources, Amnesty International stands out as having provided the information most often used in communications sent (44 out of 99, 44.4 per cent), with the Baha'i International Community in second place (10 out of 99, 10 per cent). Other international NGO sources whose information was frequently used included Front Line (5 out of 99), the European Roma Rights Centre (5 out of 99), Minority Rights Group International (2) and the Centre on Housing Rights and Evictions (2). Therefore, international NGOs specialized in minority protection issues accounted for only a small fraction of source information acted on by the Special Rapporteur: 9 cases out of 99, or 9 per cent).[a]

11. There were also a relatively small number of cases originating from academia and, in the case of religious minorities, from religious organizations or churches. National human rights institutions were completely absent from among the sources whose information the mandate holders could have acted upon.

12. In terms of the different types of replies, out of the 239 communications sent by the two mandate holders, 109 were not answered before the cut-off date. There were 118 substantive replies from Governments, varying in their content but addressing the human rights violations brought to their attention. Some included a very detailed description of the broader domestic legal environment and the laws relevant to the case, while others provided only technical details of the case without describing the broader context. Some were more substantive legally, while others provided more in terms of the technical, practical details of the case.

13. In 12 cases, the Special Rapporteur received only an acknowledgement of receipt, and in some cases reassurances that the concerns would be brought to the attention of relevant authorities of the country concerned. What is particularly worrying in these cases is that none of them were followed up by a substantive answer later on.

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[a] In the case of the mandate on Minority Issues, these included the European Roma Rights Centre; the Roma Virtual Network; Minority Rights Group International; and the International Dalit Solidarity Network (IDSN).